

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THOMAS E. PEREZ, SECRETARY OF	:	CIVIL ACTION
LABOR, UNITED STATES DEPARTMENT	:	
OF LABOR,	:	
	:	
V.	:	
	:	
AMERICAN FUTURE SYSTEMS, INC.	:	NO. 12-6171
d/b/a/ PROGRESSIVE BUSINESS	:	
PUBLICATIONS, et al.	:	

ORDER

AND NOW, on this 16th day of December, 2015, upon consideration of Plaintiff's Motion for Partial Summary Judgment (ECF No. 31), Defendants' Motion for Summary Judgment (ECF No. 38), the parties' Daubert Motions (ECF Nos. 33, 37), all of the responses, replies, notices and other submissions related to these motions, and the oral argument held on said motions (ECF No. 58), for the reasons set forth in the accompanying memorandum, it is hereby **ORDERED** that:

1. Plaintiff's Motion for Partial Summary Judgment (**ECF No. 31**) is **GRANTED IN PART AND DENIED IN PART**. The motion is **granted with respect to**:
(a) FLSA minimum wage liability, (b) Defendant Satell's role as an employer under the FLSA, (c) entitlement to liquidated damages, and (d) FLSA recordkeeping liability. The motion is **denied with respect to** a finding of willfulness as to the FLSA violations.
2. Defendants' Motion for Summary Judgment (**ECF No. 38**) is **DENIED**.
3. The parties' Daubert Motions (**ECF Nos. 33, 37**) are **DENIED AS MOOT**.

IT IS FURTHER ORDERED that, on or before **December 22, 2015**, the parties shall each submit a brief letter (1-2 pages) to my chambers via facsimile, outlining their proposal as to how to proceed in this matter.¹

BY THE COURT:

/s/ L. Felipe Restrepo

L. FELIPE RESTREPO
UNITED STATES DISTRICT JUDGE

¹ The parties are encouraged to confer prior to December 22, 2015, as joint proposals are always favored.